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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,108	03/21/2006	Steven L. Geerlings	026032-4906	2695

22428 7590 08/31/2009  
FOLEY AND LARDNER LLP  
SUITE 500  
3000 K STREET NW  
WASHINGTON, DC 20007

EXAMINER
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BROWN, VERNAL U

ART UNIT	PAPER NUMBER
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2612

MAIL DATE	DELIVERY MODE
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08/31/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/531,108	<b>Applicant(s)</b> GEERLINGS ET AL.	
	<b>Examiner</b> VERNAL U. BROWN	<b>Art Unit</b> 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

Art Unit: 2612

### **DETAILED ACTION**

The application of Steven Geerlings System and Method for Training a transmitter to control a transmitter to control a remote control system filed 3/21/2006 has been examined.

Claims 1-27 are pending.

### ***Specification***

This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 rejected under 35 U.S.C. 102(b) as being anticipated by Roddy et al. US Patent 6127922.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2612

Claims 1-7 and 21-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over in view of Roddy et al. US Patent 6127922 in view of Miyake US Patent 5563600.

Regarding claims 1-7 and 21-27, Roddy et al. teaches a method of actuating a remote device, the method comprising:

initiating an operating sequence to actuate the remote device by pressing the switches (col. 1 lines 59-62);

generating a plurality of RF carrier signal, each RF carrier signal is associated with a different remote device (col. 1 line 66-col. 2 line 4);

transmitting the plurality of RF carrier signals to the receiver of the remote device in order to remotely actuate the remote device (col. 2 lines 39-50). It is the examiner's position the codes can only be transmitted sequentially or simultaneously and therefore represent an obvious means of transmitting the control code to the remote devices. Roddy et al. is silent on teaching the carrier signal include variable code. Miyake in an analogous art teaches the use of variable codes (col. 3 lines 36-40).

It would have been obvious to one of ordinary skill in the art to modify the system of Roddy et al. as disclosed by Miyake because this improves the security of the system by preventing the unauthorized learning of control code.

Claims 8-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over in view of Roddy et al. US Patent 6127922 in view of Dsai US Patent 6377173 and further in view of Miyake US Patent 5563600.

Regarding claims 8-20, Roddy et al. teaches a method of actuating a remote device, the method comprising:

Art Unit: 2612

initiating an operating sequence to actuate the remote device by pressing the switches (col. 1 lines 59-62);

generating a plurality of RF carrier signal, each RF carrier signal is associated with a different remote device (col. 1 line 66-col. 2 line 4);

transmitting the plurality of RF carrier signals to the receiver of the remote device in order to remotely actuate the remote device (col. 2 lines 39-50). It is the examiner's position the codes can only be transmitted sequentially or simultaneously and therefore represent an obvious means of transmitting the control code to the remote devices. Roddy et al. is silent on teaching the carrier signal include variable code and the initiating of the training sequence. Miyake in an analogous art teaches the use of variable codes (col. 3 lines 36-40). Dsai in an analogous art teaches initiating a learning sequence and storing the learnt code in the memory of the transmitter (col. 2 lines 22-44)

It would have been obvious to one of ordinary skill in the art to modify the system of Roddy et al. as disclosed by Miyake because this improves the security of the system by preventing the unauthorized learning of control code.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VERNAL U. BROWN whose telephone number is (571)272-3060. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman can be reached on 571-272-3059. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2612

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vernal U Brown/  
Examiner, Art Unit 2612